

## **Minutes: Leesburg Planning Commission May 2, 2002**

The Leesburg Planning Commission met on Thursday, May 2, 2002 at 7:00 p.m. in the Council Chambers at 25 West Market Street, Leesburg, VA. Staff members present for the meeting were Lee Phillips, John di Zerega, Randy Hodgson, Nancy Kitchens, John Johnston, Nick Colonna, Paul Gauthier, Mike Freda, Bill Donnelly and Jennifer Moore.

### **CALL TO ORDER:**

The meeting was called to order at 7:05 p.m.

### **ROLL CALL:**

Present: Chairman Cliff Vaughan  
Vice-Chairman Cable  
Commissioner Minchew  
Commissioner Werner  
Commissioner Zawacki  
Commissioner Kennedy  
Councilmember Umstattd  
Commissioner Schonberger

### **ADOPTION OF AGENDA:**

Commissioner Cable made a motion to move the CIP up to be heard after the Public Hearing Items.

Motion: Cable  
Second: Werner  
Carried: 7-0

### **ADOPTION OF MINUTES:**

Commissioner Kennedy made a motion to approve the minutes of April 18, 2002.

Motion: Kennedy  
Second: Werner  
Carried: 7-0

### **REMARKS BY PETITIONERS**

None

**PUBLIC HEARINGS:**

**PUBLIC HEARING – OAKLAWN AT STRATFORD (STOWERS FAMILY LIMITED PARTNERSHIP) ZM-159 PROFFER AMENDMENT/CONCEPT PLAN AMENDMENT & TOWN PLAN AMENDMENT TP-02-01 – Randy Hodgson, Chief of Comprehensive Planning**

Mr. Hodgson presented a staff report to the Planning Commission regarding this application.

Commissioner Minchew recused herself from this application.

Randy Minchew, representative for the applicant came forward to speak regarding this application.

Mr. Brian Cullen, representative for the applicant came forward as well to give a presentation to the Planning Commission.

Chairman Vaughan opened the hearing for public comment.

Mr. Todd Ague of 120 Burnell Place, SE came forward to speak. Mr. Ague stated that he is president of the HOA for Stratford and would like to offer support for this project.

There being no further comment the public hearing for this item was closed.

**PUBLIC HEARING – TOWN OF LEESBURG ZONING ORDINANCE – Brian Boucher, Zoning Administrator**

Chairman Vaughan read the following statement into the record:

“Because of the long road the Commission and staff have followed to get to this public hearing tonight, the Commission wishes to remind everyone that the intent of this Zoning Ordinance review process has been through the more than 20 public meetings we have held to discuss the amendments, I propose the following motion reaffirming our intent in, and the public purposes served by, undertaking this comprehensive Zoning Ordinance review.”

Chairman Vaughan then made a motion for the Planning Commission to consider amending the Leesburg Zoning Ordinance as proposed by staff in order to implement the goals and policies of the 1997 Town Plan and because such consideration is required by the public necessity, convenience, general welfare and good zoning practice.

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Motion: Vaughan  
Second: Cable  
Carried: 5-0 with Commissioners  
Kennedy and Werner not present for the  
vote

Mr. Boucher came forward to give a staff report regarding Draft Zoning Ordinance to the Planning Commission.

Chairman Vaughan opened this item up for public comment.

Mr. Leslie Winner of 127 Nottaway Street came forward to speak. Mr. Winner asked that the Commission consider revising upward the number of children allowed for home daycare.

Mr. Bill Fissell, representative for NVBIA came forward to speak. Mr. Fissell stated that he is very pleased with the document.

Ms. Pat Horracks, 350 Sycolin Road, SE, came forward to speak. Ms. Horracks came forward to speak regarding her property as it relates to the new Ordinance.

There being no further comments the public hearing was closed.

### **SUBDIVISION AND LAND DEVELOPMENT:**

#### **POTOMAC STATION MIXED USE – PARCEL A, PRELIMINARY DEVELOPMENT PLAN – John Johnston, Senior Planner**

Mr. Johnston presented a staff report to the Commission regarding this application.

Mr. Bill Fissell, representative for the applicant, came forward to answer any questions from the Commission.

Vice-Chairman Cable made a motion to approve the application conditioned upon the satisfactory resolution of the Department of Engineering and Public Works comments dated October 26, 2001 and the Department of Planning, Zoning and Development review dated January 24, 2002 and as agreed to in a letter dated April 26, 2002 with clarifications to the Planning Department comments and Planning Commission comments from Potomac Station Retail LLC and further conditioned upon the Land Development Official review and approval of the proposed berming and landscaping for the purpose of screening vehicles in the parking lots from adjacent Battlefield Parkway and Potomac Station Drive.

Motion: Cable  
Second: Schonberger  
Carried: 7-0

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### **MCKINLEY BUILDING – PRELIMINARY/FINAL DEVELOPMENT PLAN – Nick Colonna, Senior**

Mr. Colonna gave a brief staff report regarding this application.

Mr. Gauthier came forward to answer questions from the Commission.

Mr. Tim McKinley, applicant was present to answer any questions that the Commission may have.

Commissioner Schonberger made a motion to approve the application as submitted.

Motion: Schonberger

Second: Cable

Carried: 7-0

### **ZONING:**

#### **PREVIEW ITEM – ZOAM – 02-02-MEDICAL OFFICES AND VETERINARY HOSPITAL IN THE O-1 (Please note that a Joint Public Hearing for this item is scheduled with the Town Council for May 14, 2002) – Brian Boucher, Zoning Administrator**

Mr. Boucher gave a brief presentation regarding this item.

### **COMPREHENSIVE PLANNING:**

#### **TOWN OF LEESBURG CAPITAL IMPROVEMENTS PROGRAM – FY03-07 – Mike Freda, Budget Officer**

Mr. Freda presented a brief staff report to the Commission regarding this item.

Commissioner Schonberger made a motion to recommend approval of this application to the Town Council.

Motion: Schonberger

Second: Kennedy

Carried: 6-1 with Commissioner Zawacki  
voting Nay

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### **PREVIEW REPORT – SE-2001-07, TIRES PLUS – Nancy Kitchens, Senior Planner**

Ms. Kitchens gave a staff report to the Commission regarding this application.

Commissioner Minchew recused herself from participation or discussion of this application.

Mr. Richard Bekesh, representative for the applicant came forward to answer questions from the Commission.

Mr. Bill Keefe, representative for the applicant came forward to speak to the Commission.

### **STAFF REPORT, SE 2001-10, LOT 4, CARDINAL INDUSTRIAL PARK – Nancy Kitchens, Senior Planner**

Ms. Kitchens gave a brief staff report to the Planning Commission regarding this application.

Ms. Linda Unkefer, representative for the applicant, came forward to speak and answer any questions from the Commission.

Mr. Morgan Keller and Frank Brennan, representatives for the applicant came forward to answer questions from the Commission.

Vice Chairman Cable made a motion to recommend approval of this application with the condition that Condition #15 of the staff report be changed to reflect the recommended changes by staff to increase the average decibel level to 65; and with the condition that the decibel level will remain in effect so long as the special exception on the adjacent property remains in effect; and that the words “and licensed in the Commonwealth of Virginia” be removed.

Motion: Cable

Second: Minchew

Carried: 7-0

### **COUNCIL REPRESENTATIVE’S REPORT:**

None

### **STAFF AND COMMITTEE REPORTS:**

Vice Chairman Cable stated that she attended the April 26, 2002, Economic Development Commission meeting.

**OLD AND NEW BUSINESS:**

**PLANNING COMMISSION BYLAWS**

The Planning Commission discussed changing their bylaws regarding election of officers.

Vice-Chairman Cable stated there was a request to consider an amendment to the bylaws for changing the designation and election of officers to correspond with what the Town Council has requested which is the first meeting in July of each year.

Commissioner Kennedy stated that the State of Virginia mandates the Planning Commission, but does not mandate the Mayor or Council. He stated that changing the bylaws on the basis of Council request is not necessary.

Commissioner Kennedy stated that he went to the Town Attorney to ask what would happen if all of the incumbents who have appointed Commission members loose the election. He stated that the Town Attorney told him that Virginia Law would mandate that the Commission member would continue filling the seat until a proper representative was named and sworn in to take the vacancy. Commissioner Kennedy stated that this could lead to the situation where “lame ducks” would be selecting the Chairman and officers for the upcoming Planning Commission.

Commissioner Kennedy stated that he believes that a vote in July is out of the question. Commissioner Kennedy suggested that the Commission wait until at least August or September to appoint Officers.

Commissioner Zawacki stated that he agrees with Commissioner Kennedy.

Commissioner Werner stated that she agrees and believes that possibly September would be a good time frame.

Councilmember Umstattd stated that she agrees with the concerns raised by the Commission.

Commissioner Minchew suggested that the Commission wait until January, to give the Commission members time to get to know one another.

Commissioner Zawacki stated that the thought process behind the Commission originally choosing January was because of the Annual Report.

Commissioner Werner suggested that the Commission draft a letter to the Council letting them know the reasons for keeping the election of Officers in January.

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Vice Chairman Cable suggested that the Planning Commission and Council discuss together the reasons that the Council changed the date to Fiscal Year and why the Planning Commission would like to leave it as Calendar Year.

Councilmember Umstattd stated that she can take this back to the Commission. She stated that she almost raised this concern a month or more ago, but she wanted to make sure that there was a majority on the Commission who wanted it raised.

Commissioner Kennedy stated that if the elections happen quickly they will be done with the "lame ducks" he indicated earlier. Commissioner Kennedy suggested that the Commission wait.

Commissioner Werner stated that if the Commission agrees with Commissioner Kennedy's sentiment she would suggest that the Commission have an election and keep the officers the same, then the action would be done and that would keep the Commission legal.

Commissioner Schonberger suggested that the Council Representative take this issue to the Council.

Commissioner Schonberger stated that he has heard the phrase "keeping the Commission legal" several times, he does not believe that whether or not the Commission has an election of officers at a specific date and time as opposed to another date and time, that that makes any action of the Commission not legal.

The Planning Commission decided to have the Council liaison discuss this issue with the Council.

Chairman Vaughan acknowledged a recycling event on Saturday, May 11, 2002, starting at 9:00 a.m. at Dominion Hospital. They will be accepting old computers to be recycled.

### **ADJOURNMENT:**

There being no further business the meeting adjourned at 11:20 p.m.

**PREPARED BY:**

**APPROVED BY:**

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**Jennifer Moore, Commission Clerk**

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**Cliff Vaughan, Chairman**